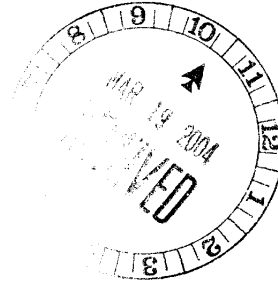


MAR 19 2004

Part of
Public Record

SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company Abandonment and
Discontinuance of Service Exemption Between
M.P. 167.78 near Superior, Nebraska and
M.P. 127.83 near Reynolds, Nebraska
in and through Jefferson, Thayer and
Nuckolls Counties, Nebraska and
Republic County, Kansas



Docket No. AB-6
(Sub No. 409X)

ENVIRONMENTAL REPORT

The Burlington Northern and Santa Fe Railway Company (BNSF) proposes to file a petition under 49 U.S.C. § 10502 (a) for an exemption from 49 U.S.C. § 10903 for abandonment and discontinuance between M.P. 167.78 near Superior, Nuckolls County, Nebraska and M.P. 127.83 near Reynolds, Jefferson County, Nebraska, a total distance of approximately 39.95 miles. The following information is submitted to the Surface Transportation Board ("Board" or "STB") by BNSF in accordance with the Board's reporting requirements as set forth in 49 C.F.R. § 1105.7 for the purpose of assisting the Board's preparation of an environmental document regarding BNSF's proposed Petition for Exemption.

(1) Proposed action and Alternatives: Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

BNSF seeks to abandon and discontinue service of the line. A map of the line is attached as Exhibit A.

(2) Transportation system: Describe the effect of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

The proposed exemption will have a minimal effect on regional or local transportation systems and patterns. Shippers along the line used to include Aurora Coop at Hardy, Byron and Hubbell and AGP at Chester. Due to June, 2003 heavy rains which resulted in washouts of most of the customer's facilities on the line, the line east of Hardy was embargoed. As a result, most of the customers on line have been and will continue to utilize alternative transportation arrangements.

(3) Land Use:

(i) Based on consultation with local and/or regional planning agencies and/or review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

To the best of its knowledge, BNSF believes that the proposed exemption will be consistent with local or regional land use plans. The Board of Commissioners from Jefferson County, Nuckolls County and Thayer County were notified by letters dated July 24, 2003 and the Board of Commissioners from Republic County was notified by a letter dated August 6, 2003. See Exhibits B, C, D and E letters to the Board of Commissioners of Jefferson County, Nuckolls County, Thayer County and Republic County. As of the date of this report, none of the Board of Commissioners has not responded. BNSF will provide the Board copies of any response it may receive.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land.

The abandonment will have no effect on prime agricultural land.

See Exhibits F, G, and H letters from the Natural Resources Conservation Service .

(iii) If any action affects land or water uses within a designated coastal zone, include the coastal zone information required by § 1105.9

N/A

(iv) If the proposed action is abandonment, state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. § 10906 and explain why.

There are no plans to improve the property for trails or any other public use. With the recent flood, the cost would be too high to prepare this section for public use. See Exhibit I, letter from the Jefferson County Planning and Zoning.

(4) Energy:

(i) Describe the effect of the proposed action on transportation of energy.

To the best of BNSF's knowledge there are no undeveloped energy resources such as oil, natural gas or coal in the vicinity of this line.

(ii) Describe the effect of the proposed action on recyclable commodities.

The proposed abandonment and discontinuance will not adversely affect movement or recovery of recyclable commodities as this line is out of service.

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

Since the rail traffic density is nominal at the current time, the abandonment should not result in any significant impacts on overall energy efficiency.

(iv) If the proposed action will cause diversions from rail to motor carriage of more than:

(A) 1,000 rail carloads a year, or

(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in the energy consumption and show the data and methodology used to arrive at the figure given.

Since the rail traffic density is nominal at the current time, the diversions from rail to motor carriage will be minimal. In 2002, the line had a total of 165 cars , which does not affect wither threshold in subsections (A) or (B) above.

(5) Air:

(i) If the proposed action will result in either:

(A). An increase in rail traffic of at least 100% (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of the line effected by the proposed, or

No.

(B). An increase in rail yard activity of at least 100% (measured by carload activity), or

No.

(C). An average increase in truck traffic of more than 10% of the average daily traffic ("ADT") or 50 vehicles a day ("VPD") on any affected road segment, quantify the anticipated effect on air emissions.

The action will not involve an increase in truck traffic of more than 10% ADT or 50 VPD on any affected road, nor would

the abandonment result in truck traffic increases by more than 10% of ADT or 50 VPD.

(ii) If the proposed action affects a Class I or nonattainment area under the Clean Air Act, and will result in either:

(A) An increase in rail traffic of at least 50% (measured in gross ton miles annually) or an increase of at least three train a day on any segment of rail line, or

N/A

(B) An increase in rail yard activity of at least 20% (measured by carload activity), or

N/A

(C) An average increase in truck traffic or more than 10-% of the average daily traffic of 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by State implementation Plan. However, for a rail construction under 49 U.S.C. § 10901 (or 49 U.S.C. § 10505) or in a case involving the reinstitution of service over a previously abandoned line, only the three train a day threshold in this item shall apply.

The proposed action is not within a class I or non attainment area and would not result in any increased rail or truck activity meeting the thresholds described in subsections (A), (B) or (C) above.

(iii) If the transportation of ozone depleting materials (such as nitrogen oxide and from) is contemplated, identify: the materials and quantity; the frequency of service; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment.

This action should have no effect on the transportation of ozone-depleting materials. This line has not traditionally accommodated shipment of ozone depleting materials.

(6) Noise: If any of the thresholds identified in item (5)(c) of this section are surpassed, state whether the proposed action will cause:

(i) An incremental increase in noise levels of three decibels Ldn or more,

N/A

(ii) An increase to a noise level of 76 decibels Ldn or greater. If so, identify sensitive receptors (e.g. schools, libraries, hospitals, residences, retirement communities and nursing homes) in the project area and quantify the noise increase for those receptors if the thresholds are surpassed.

N/A

(7) Safety:

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad crossings).

This proposed abandonment and discontinuance is not expected to adversely affect health or public safety. There are 41 public crossings and 31 private crossings. During salvage operations on the line, precautions will be taken to ensure public safety, and contractors will be required to satisfy all applicable health and safety laws and regulations.

(ii) If hazardous materials are expected to be transported, identify: the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of and accidental release of hazardous materials.

Abandonment and discontinuance will not result in transportation of hazardous materials.

(iii) If there are any known hazardous waste site or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

There are no known hazardous waste sites where there have been known hazardous materials spills on the right of way from M.P. 167.78 near Superior, Nebraska and M.P. 127.83 near Endicott, Nebraska.

(8) Biological resources:

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

No Federally listed or proposed threatened or endangered species are expected to occur within the project area. See Exhibit J, letter from the U.S. Fish and Wildlife Service, Nebraska Field Office. There should be no adverse impacts to fish and wildlife resources, including threatened and endangered species. See Exhibit K, letter from the U.S. Fish and Wildlife, Kansas Field Office. There will be no significant impacts to crucial wildlife habitats and the Kansas Department of Wildlife and Parks could not document any potential impacts to currently listed threatened or endangered species or species in need of conservation. See Exhibit L, letter from the Kansas Department of Wildlife and Parks. There are no threatened/endangered species and designated or proposed critical habitat located on or adjacent to the right-of-way proposed for abandonment. See Exhibit M, letter from the Nebraska Game and Parks Commission.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects.

The proposed abandonment will not affect any public lands (Federal lands) administered by the Bureau of Land Management. See Exhibit N, e-mail from the Bureau of Land Management, Newcastle, Wyoming Field Office. The Bureau of Land Management has no public lands or minerals that would be impacted on the portion located in Republic County, Kansas. See Exhibit O, letter from the Bureau of Land Management, Amarillo, Texas Field Office. The proposed project does not appear to impact federal fish and wildlife management facilities. See Exhibit J, letter from the U.S. Fish and Wildlife Service, Nebraska Field Office. The project will not impact any public recreational areas or crucial wildlife habitats. See Exhibit K, letter from the Kansas Department of Wildlife and Parks. There are no wildlife refuges/sanctuaries adjacent to the proposed abandonment. See Exhibit M, letter from the Nebraska Game and Parks Commission.

(9) Water:

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies.

BNSF believes that the proposed exemption will be consistent with applicable Federal, State or local water quality standards. The Nebraska Department of Environmental Quality and the Kansas Department of Health and Environment were notified by letters dated July 24, 2003 and August 6, 2003. See Exhibits P and Q. As of the date of this report, neither

has not responded. BNSF will provide the Board copies of any response it may receive.

(ii) Based on consultation with the U.S. Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action and whether any designated wetlands or 100-year floodplains will be affected. Describe the effects.

The project will not require a Department of Army permit. See Exhibit R and S, letters from the Corps of Engineers. The proposed abandonment will have no effect on 100 year floodplain. See Exhibit T, letter from the Thayer County Zoning Administrator. The proposed abandonment will not alter the flood plain area. See Exhibit I, letter from the Jefferson County Planning and Zoning.

(iii) State whether permits under Section 402 of the Clean Water Act (33 U.S.C. § 1344) are required for the proposed action. (Applicants should contact the U.S. Environmental Protection Agency or the state environmental protection or equivalent agency if they are unsure whether such permits are required.

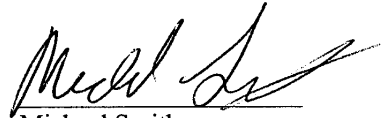
BNSF believes that Section 402 permits are not required for the proposed abandonment. The Nebraska Department of Environmental Quality and the Kansas Department of Health and Environment were notified by letters dated July 24, 2003 and August 6, 2003. See Exhibits P and Q. As of the date of this report, neither has responded. BNSF will provide the Board copies of any response it may receive.

(10) Proposed Mitigation: Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

Any salvage operations that may result will be in accordance with BNSF's general practice of requiring its private contractors to comply with all federal, state and local laws

and regulations pertaining to the environment, including, but not limited to noise, air quality, water quality, and items of historical or archaeological significance. The project itself should mitigate the environmental effects of reinstating active rail operations in the area.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Smith", written over a horizontal line.

Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Dated: March 16, 2004

BEFORE THE
SURFACE TRANSPORTATION BOARD

In the Matter of The
Burlington Northern and Santa Fe
Railway Company Abandonment and
Discontinuance of Service Exemption Between
M.P. 167.78 near Superior, Nebraska
and M.P. 127.83 near Reynolds, Nebraska
in and through Jefferson, Thayer and
Nuckolls Counties, Nebraska and
Republic County, Kansas

Docket No. AB-6
(Sub No. 409X)

HISTORICAL REPORT

The following is submitted to the Surface Transportation Board by The
Burlington Northern and Santa Fe Railway Company (BNSF) in accordance with the
Board's reporting requirements set forth in 49 C.F.R. § 1105.8 for the purpose of assisting
the Board's environmental and historical assessment regarding BNSF's proposed Petition
for Exemption for abandonment and discontinuance of its line between M.P 167.78 near
Superior, Nuckolls County, Nebraska and M.P. 127.83 near Reynolds, Jefferson County,
Nebraska, total distance of 39.95 miles, in and through Nuckolls, Thayer and Jefferson,
Counties, Nebraska and Republic County, Kansas.

(1) A U.S.G.S. topographic map (or alternate map drawn to scale and sufficiently
detailed to show buildings and other structures in the vicinity of the proposed action)
showing the location of the proposed action, and the locations and approximate
dimensions of the railroad structures that are 50 years old or older and are part of the
proposed action;

One copy of a U.S.G.S. Topographical map has been provided to the Nebraska
State Historical Society and the Kansas Historical Society and one copy is being provided

to the Surface Transportation Board's Section of the Environmental Analysis upon filing of this Report.

(2) A written description of the right-of-way (including approximate widths, to the extent known) and the topography and urban and/or rural characteristics of the surrounding area:

The Superior to Reynolds, Nebraska line connects the communities of Superior, Hardy, Byron, Chester, Hubbell and Reynolds. The 2000 population of Superior was 2,055 and the 2002 estimate is 1,953. Hardy had a 2000 population of 179 and has an estimated 2002 population of 173. Byron's 2000 population was 144 and the 2002 estimate is 136. Chester had a population of 294 in 2000 and has an estimated population of 272 in 2002. Hubbell's population was 73 in 2000 and its estimated population in 2002 is 68. Reynolds population in 2000 was 88 and its estimated population in 2002 is 88. The overall population for this area during this two year period of time shows a decrease of approximately 5%.

This area of Nebraska is agricultural in nature with corn, milo, wheat and soybeans as the major crops. The adjoining land is flat to hilly. The right of way is 100 feet wide except for station grounds which can vary in width. This area of Nebraska has a relatively low population density but produces an abundance of grain and other crops.

(3) Good quality photographs (actual photographic prints, not photocopies) or railroad structures on the property that are 50 years old or older and of the immediately surrounding area;

There are 12 bridges that are 50 years old or older in the immediate area of the abandonment. Photographs of the 12 bridges are attached to this report. See Exhibit U.

(4) The date(s) of construction of the structures, and the date(s) and extent of any major alterations, to the extent such information is known;

The dates of construction of the bridges are included with the photographs. See Exhibit U.

(5) A brief narrative history of carrier operations in the area, and an explanation of what, if any, changes are contemplated as a result of the proposed action:

The right of way was acquired by the Republican Valley Railroad Company in 1880 and 1881. The Republican Valley Railroad Company was a predecessor to the Chicago Burlington and Quincy Railroad (CBQ). In 1970 the CBQ merged with other railroads to become part of the Burlington Northern Railroad (BN). In 1995 the BN merged with The Atchison Topeka and Santa Fe Railway Company to become part of The Burlington Northern and Santa Fe Railway Company (BNSF).

Since the line is out of service east of Hardy, no significant changes in carrier operations are expected.

(6) A brief summary of documents in the carrier's possession, such as engineering drawings, that might be useful in documenting a structure that is to be historic;

Typical documents in BNSF's possession concerning this abandonment may but do not necessarily include alignment maps showing the right-of-way and/or station maps. Such documents are too large for practical reproduction in this report, but can be furnished upon request, if they are available.

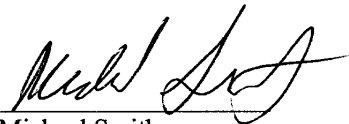
(7) An opinion (based on readily available information in the railroad's possession) as to whether the site and/or structures meet the criteria for listing on the National Register of Historic Places (36 C.F.R. § 60.4), and whether there is a likelihood of archaeological resources or any other previously unknown historic properties in the project area, and the basis for these opinions (including any consultations with the State Historic Preservation Office, local historical societies or universities);

To the best of BNSF's knowledge, the proposed abandonment should have no appreciable effects on any known sites or properties listed, or eligible for listing in the National Register of Historic Places. BNSF is not aware of any unique sites or structures with significant historical associations located within the right of way. The proposed abandonment should not affect any property listed on the National Register of Historic Places or otherwise identified as having historical significance in Kansas. See Exhibit V, letter from the Kansas State Historical Society. The Nebraska State Historical Society has been notified by letter dated February 27, 2004. See Exhibit W. As of the date of this report, the Nebraska State Historical Society has not responded. BNSF will provide the Board copies of any response it may receive.

(8) A description (based on readily available information in the railroad's possession) of any known prior subsurface ground disturbance or fill, environmental conditions (naturally occurring or manmade) that might affect the archaeological recovery of resources (such as swampy conditions or the presence of toxic wastes), and the surrounding terrain.

BNSF is not aware of any known prior subsurface ground disturbance or fill or any other environmental conditions (naturally occurring or man-made) that might affect the recovery of archaeological resources.

Respectfully submitted,



Michael Smith
Freeborn & Peters
311 S. Wacker Dr. Suite 3000
Chicago, Illinois 60606-6677
Phone: (312) 360-6724
Fax: (312) 360-6598

Date: March 16, 2004

A

This is a detailed black and white map of the Nebraska-Kansas border region, specifically focusing on the area around the film 'SUPERIOR - REYNOLDS, NEBRASKA'. The map shows the 1st Standard Parallel running horizontally across the center, which serves as the border between Nebraska (top) and Kansas (bottom). In Nebraska, counties shown include CLAY, SALINE, THAYER, and JEFFERSON. Major cities like Fairbury, Hebron, and Lincoln are visible. In Kansas, counties shown include REPUBLIC, WASHINGTON, and CHELSEA. Major cities like Concordia, Beloit, and Mankato are visible. The film's path is indicated by a thick black line with arrows, starting near Fairbury, heading west through Nebraska, crossing the border into Kansas near milepost 127.83, and continuing west towards milepost 167.78. The map also shows various rivers, smaller towns, and geographical features like Lovewell Reservoir. A north arrow is located in the lower-left corner.

B

Freeborn & Peters

July 24, 2003

Richard Niemeier
Jefferson County Commissioner
411 4th Street
Fairbury, NE 68352-2536

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Superior, Nebraska to Reynolds, Nebraska***

Dear Mr. Niemeier:

BNSF plans on filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon 39.95 miles of railroad line between Milepost 167.78 in Superior, Nebraska and Milepost 127.83 in Reynolds, Nebraska.

As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by August 29, 2003. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

C

Freeborn & Peters

July 24, 2003

Arnold Brown
Commissioner, Chair
Nuckolls County Board of Commissioners
PO Box 366
County Courthouse
Nelson, NE 68961-0366

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Superior, Nebraska to Reynolds, Nebraska***

Dear Mr. Brown:

BNSF plans on filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon 39.95 miles of railroad line between Milepost 167.78 in Superior, Nebraska and Milepost 127.83 in Reynolds, Nebraska.

As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by August 29, 2003. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

D

Freeborn & Peters

July 24, 2003

Lawrence Traudt
Commissioner, Chair
Thayer County Board of Supervisors
P. O. Box 208
County Courthouse
Hebron, NE 68370-0208

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Superior, Nebraska to Reynolds, Nebraska***

Dear Mr. Traudt:

BNSF plans on filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon 39.95 miles of railroad line between Milepost 167.78 in Superior, Nebraska and Milepost 127.83 in Reynolds, Nebraska.

As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by August 29, 2003. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

E

Freeborn & Peters LLP

August 6, 2003

Republic County Board of Commissioners
1815 M Street
County Courthouse
Belleville, KS 66935-2242

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Superior, Nebraska to Reynolds, Nebraska***

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon 39.95 miles of railroad line between Milepost 167.78 in Superior, Nebraska and Milepost 127.83 in Reynolds, Nebraska. Part of the line is located in Republic County, Kansas.

As part of the environmental report BNSF needs to know whether or not the proposed action is consistent with local land use plans and if there are any alternate public uses for the corridor such as a recreational trail.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. Please provide this information by September 6, 2003. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

F



**United States Department of Agriculture
Natural Resources Conservation Service**

9 West 28th
Hutchinson, KS 67502-3453

Phone: 620-663-3501
FAX: 620-663-3866
www.ks.nrcs.usda.gov

August 18, 2003

Mr. Brian Nettles
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Dear Mr. Nettles:

Thank you for the opportunity to review the proposed plans of the Burling Northern and Santa Fe Railway Company to abandon approximately 39.95 miles of railroad located in Republic County, Kansas.

The proposed project should have no effect on prime farmland. There are no other negative effects for which the Natural Resources Conservation Service is responsible for evaluating as defined by the Farmland Protection Policy Act.

Sincerely,

A handwritten signature in black ink that reads "Jess F. Crockford". The signature is written in a cursive, flowing style.

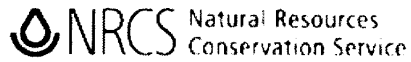
JESS F. CROCKFORD
Assistant State Conservationist

cc:

Harold L. Klaege, State Conservationist, NRCS, Salina, Kansas
Rodney D. Egbarts, Soil Conservationist, NRCS, Salina, Kansas
Terry K. Alstatt, District Conservationist, NRCS, Belleville, Kansas

G

United States Department of Agriculture



175 East 4th Street
P.O. Box 307
Nelson, NE 68961
Phone: (402) 225-2311, Ext. 3

<http://www.ne.nrcs.usda.gov>

March 3, 2004

BRIAN NETTLES
311 SOUTH WACKER DRIVE
SUITE 3000
CHICAGO ILLINOIS 60606-6677

Dear Brian,

Our office received a letter in regard to the Burlington Northern and Santa Fe Railway Company Abandonment of Superior, Nebraska to Reynolds, Nebraska on February 20, 2004. Our office reviewed the area and felt that the proposed abandonment will not have any effect on prime agricultural lands.

If you have any questions, please contact me at (402) 225-2311, Ext. 3.

Sincerely,

A handwritten signature in cursive script, reading "Janet Valasek", is positioned above the printed name and title.

JANET VALASEK
District Conservationist

The Natural Resources Conservation Service provides leadership in a partnership effort to help people conserve, maintain, and improve our natural resources and environment.

An Equal Opportunity Provider and Employer

FEB 23 2004

Freeborn & Peters LLP

February 20, 2004

Natural Resources Conservation Service
Nelson Service Center
175 East 4th
Nelson, NE 68961

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Superior, Nebraska to Reynolds, Nebraska***

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

Chicago

Springfield

Dear Sir or Madam:

BNSF plans on filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon 39.95 miles of railroad line between Milepost 167.78 in Superior, Nebraska and Milepost 127.83 in Reynolds, Nebraska.

As part of the environmental report BNSF needs to know whether or not the proposed abandonment will have any effect on prime agricultural lands.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn
Enclosure

SUPERIOR - REYNOLDS, NEBRASKA

The map displays the following locations and features:

- Nebraska:** Superior, Hardy, Byron, Chester, Hubbell, Reynolds, Fairbury.
- Kansas:** Republic, Concordia, Mankato, Lovewell, Webberville, Republic, Munden, Haddam, Morrowville, Enosdale, Clara, Brantford, Agenda, Wayne, Talrod, Rydal, Belleville, Scandia, Courtland, Formoso, Montrose, Jewell, Randall, Jamestown, Yuma, Scottsville, Beloit, Asherville, Simpson, Glasco, Brownale, Morganville, St. Joseph, Aurora, Huachu, Rice, Clyde, Vining, Cillon, Palmer, Garfield, Clay Center, Brownale, Morganville, St. Joseph, Aurora, Huachu, Rice, Clyde, Vining, Cillon, Palmer, Garfield, Clay Center.
- Geographical Features:** Missouri River, Republican River, 1st Standard Parallel, 100th Meridian.
- Infrastructure:** Railroads (Burlington, Northern, Missouri Pacific, Union Pacific), Highways (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100).

H

United States Department of Agriculture



Fairbury Field Office
514 C Street
Fairbury, NE 68352

Phone: 402-729-6134

<http://www.ne.nrcs.usda.gov>

March 1, 2004

Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

**Re: The Burlington Northern and Santa Fe Railroad Company Abandonment of Superior,
Nebraska to Reynolds, Nebraska**

Dear Mr. Nettles:

The proposed abandonment will have no effect on the prime agricultural lands.

Sincerely,

A handwritten signature in black ink, appearing to read "John Mayberger", is positioned above the typed name.

JOHN MAYBERGER
Resource Conservationist

I



Jefferson County Planning & Zoning

313 South K Street
Fairbury, Nebraska
68352-2706

Phone: 402-729-3602
Fax: 402-729-2016
Email: jeffcozone@diodecom.net

August 22, 2003

Freeborn & Peters
% Brian Nettles
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

The plans that the BNSF Railroad has to abandon their line west of Reynolds in Jefferson County will not alter the flood plain area or there looks to be no plans to improve this property for trails or any other public use. With the recent flood as you know the cost would be too high to prepare this section for public use.

Sincerely,

A handwritten signature in black ink, appearing to read 'John McKee'.

John McKee
Jefferson Co. Zoning Administrator
313 South K Street
Fairbury, Ne. 68352
402-729-3602

J



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Nebraska Field Office
203 West Second Street
Grand Island, Nebraska 68801

July 28, 2003

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive
Suite 3000
Chicago, IL 60606-6677

Dear Mr. Nettles:

This responds to your July 24, 2003, letter requesting comments from the U.S. Fish and Wildlife Service on a proposal by the Burlington Northern and Santa Fe Railway Company to abandon 39.95 miles of railroad line between Milepost 167.78 in Superior, Nebraska and Milepost 127.83 in Reynolds, Nebraska. These comments are provided as technical assistance and predevelopment consultation and do not constitute a Service report under authority of the Fish and Wildlife Coordination Act (16 U.S.C. 661 et seq.) on any required Federal environmental review or permit.

The Service has responsibility, under a number of authorities, for conservation and management of fish and wildlife resources. Chief among the federal statutes with which our office deals are the Coordination Act, Endangered Species Act of 1973, and the National Environmental Policy Act. The Coordination Act requires that fish and wildlife resources be given equal consideration in the planning, implementation, and operation of Federal and federally funded, permitted, or licensed water resource developments. Section 7 of the Endangered Species Act of 1973 outlines procedures for interagency consultations on the effects of Federal actions on federally listed threatened and endangered species. The Service participates in scoping and review of actions significantly affecting the quality of the environment under authority of the National Environmental Policy Act. In addition to these statutes, the Service has authority under several other legislative, regulatory, and executive mandates to promote conservation of fish and wildlife resources for the benefit of the public.

In Nebraska, the Service has special concerns for migratory birds, endangered and threatened species, and other important fish and wildlife resources. We also are concerned about any impacts on Federal and State wildlife refuges and management areas and other public lands, as well as to other areas that support sensitive habitats. Habitats frequently used by important fish and wildlife resources are wetlands, streams, and riparian (streamside) woodlands. Special attention is given to proposed developments that include modification of wetlands, or stream alteration, or contamination of important habitats. The Service recommends ways to avoid, minimize, rectify, reduce, or compensate for damaging impacts to important fish and wildlife resources and their habitats that may be attributed to land and water resource development proposals.

We have reviewed the plans for the proposed project and offer the following comments:

- a. The proposed project does not appear to impact federal fish and wildlife management facilities.
- b. No federally listed or proposed threatened or endangered species are expected to occur within the project area.
- c. If wetlands or streams will be impacted by the proposed project, a Department of the Army permit from the U.S. Army Corps of Engineers may be needed. The Service recommends that impacts to wetlands and streams be avoided or minimized. If unavoidable impacts are to occur to aquatic habitats, the Service recommends that compensation (i.e., restoration of a degraded wetland or creation) occur for like wetland type at a ratio of 1.5:1 (acres of wetlands restored/created to acres of wetlands impacted). For unavoidable impacts to streams, the Service recommends that the pattern, profile, and dimension be replaced on a 1:1 basis. Additionally, compensation for impacts to riparian habitats should occur at a minimum ratio of 3:1 (i.e., acres of riparian habitat replaced for acres of riparian habitat impacted). The 3:1 ratio is based on the loss of the habitat and the amount of time that will be required for planted trees to reach maturity.
- d. Under the Migratory Bird Treaty Act (MBTA) (16 U.S.C. 703-712: Ch. 128 *as amended*) construction activities in grassland, wetland, and woodland habitats, and those that occur on bridges (e.g., which may affect swallow nests on bridge girders) that would otherwise result in the taking of migratory birds, eggs, young, and/or active nests should be avoided. Although the provisions of the MBTA are applicable year-round, most migratory bird nesting activity in Nebraska occurs during the period April 1 to July 15. However, some migratory birds are known to nest outside of the aforementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 5, whereas sedge wrens which occur in some wetland habitats normally nest from July 15 to September 10. If the proposed construction project is planned to occur during the primary nesting season or at any other time which may result in the take of nesting migratory birds, the Service recommends that the project proponent (or construction contractor) arrange to have a qualified biologist conduct a field survey of the affected habitats and structures to determine the absence or presence of nesting migratory birds. Surveys must be conducted during the nesting season. It is further recommended that the results of field surveys for nesting birds, along with information regarding the qualifications of the biologist(s) performing the surveys, be thoroughly documented and that such documentation be maintained on file by the project proponent (and/or construction contractor) for potential review by the Service (if requested) until such time as construction on the proposed project has been completed. The Service's Nebraska Field Office should be contacted immediately for further guidance if a field survey identifies the existence of one or more active bird nests which cannot be avoided by the planned construction activities. Adherence to these guidelines will help to avoid the unnecessary take of migratory birds and the possible need for law enforcement action.

Based upon the submitted information, we have no objection to the proposal as currently planned. However, should the plans be modified, we recommend that you reinitiate coordination with this office.

Should you have any further questions, please contact Mr. Wally Jobman within our office at (308)382-6468, extension 16. Thank you for the opportunity to offer comments.

Sincerely,

A handwritten signature in cursive script that reads "Sharon Whitmore".

Sharon Whitmore
Acting Nebraska Field Supervisor

cc: NGPC; Lincoln, NE (Attn: Julie Godberson)

K



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Kansas Field Office
315 Houston Street, Suite E
Manhattan, Kansas 66502-6172

August 28, 2003

Brian Nettles
Freeborn & Peters LLP
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

RE: BNSF Line Abandonment, Nebraska and Kansas

Dear Mr. Nettles:

This is in response to your letter of August 6, 2003, describing a Burlington Northern and Santa Fe Railway Company proposed abandonment of 39.95 miles of existing railway line between Superior and Reynolds, Nebraska. A part of this line also occurs in Republic County, Kansas. We have reviewed this proposal and conclude that there should be no adverse impacts to fish and wildlife resources, including threatened and endangered species. Therefore, the U.S. Fish and Wildlife Service has no objection to the proposal as planned.

The Service encourages the BNSF Railway Company to keep the right-of-way in a natural condition for the benefit of native wildlife, plants, and the public. You may wish to contact the National Park Service, Omaha, Nebraska, 402-221-3350, for more information on the "Rails to Trails" Program. You may also wish to contact the Kansas Department of Wildlife and Parks in Pratt, Kansas (316-672-5911) to determine their interest in acquiring a nature trail.

Thank you for this opportunity to comment on this proposal.

Sincerely,

William H. Gill
Field Supervisor

cc: FWS, Grand Island, NE (Field Supervisor)
KDWP, Pratt, KS (Environmental Services)

WHG/dwm

L

KANSAS

DEPARTMENT OF WILDLIFE AND PARKS
September 3, 2003

KATHLEEN SEBELIUS, GOVERNOR

Mr. Brian Nettles
Freeborn and Peters LLP
311 South Wacker Drive
Suite 3000
Chicago, Illinois 60606-6677

Ref: D2.0401a
Republic
MP 127.83-167.78
Track: 20030478

Dear Mr. Nettles:

We have reviewed preliminary railway abandonment of the Burlington Northern Santa Fe Railway Company involving 39.95 miles between Milepost 167.78 and 127.83 from Superior, Nebraska to Reynolds Nebraska, part of the line being in Republic County, Kansas. The project was reviewed for potential impacts on crucial wildlife habitats, current state-listed threatened and endangered species and species in need of conservation and public recreation areas for which this agency has some administrative authority.

We have no objections to this project as it is currently designed. We would only recommend to minimize any existing instream construction activities while implementing standard erosion control BMP's, temporary weed-free seeding/mulching to protect water quality during construction, and the use of native grasses and forbs to permanently revegetate any and all areas disturbed by abandonment activities.

Results of our review indicate there will be no significant impacts to crucial wildlife habitats; therefore, no special mitigation measures are recommended. The project will not impact any public recreational areas, nor could we document any potential impacts to currently listed threatened or endangered species or species in need of conservation. No Department of Wildlife and Parks permits or special authorizations will be needed if construction is started within one year, and no design changes are made in the project plans. Since the Department's recreational land obligations and the State's species listings periodically change, if construction has not started within one year of this date, or if design changes are made in the project plans, the project sponsor must contact this office to verify continued applicability of this assessment report. For our purposes, we consider construction started when advertisements for bids are distributed.

Thank you for the opportunity to provide these comments and recommendations.

Sincerely,

Bryan R. Simmons

Bryan R. Simmons,
Aquatic / Terrestrial Ecologist
Environmental Services Section

Pratt Operations Office
512 SE 25th Ave., Pratt, KS 67124-8174

M



Nebraska Game and Parks Commission

2200 N. 33rd St. / P.O. Box 30370 / Lincoln, NE 68503-0370

Phone: 402-471-0641 / Fax: 402-471-5528 / www.outdoornebraska.org

July 29, 2003

Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, IL 60606-6677

RE: Abandonment of Burlington Northern Santa Fe right-of-way from Superior
(M.P. 167.78) and Reynolds (M.P. 127.83), Nebraska

Dear Mr. Nettles:

Nebraska Game & Parks Commission staff members have reviewed the proposed action identified above. Approximately 95 percent of the nearly 40 miles of the proposed abandonment is within Nebraska, mainly in Thayer County. There are no wildlife refuges/sanctuaries adjacent to the proposed abandonment. Records and maps of the Nebraska Natural Heritage Program indicate that no threatened/endangered species and designated or proposed critical habitat are located on or adjacent to the right-of-way proposed for abandonment.

Please advise if further review is required, or changes are made in what is outlined in your letter of July 24, 2003.

Sincerely,

Frank J. Albrecht
Assistant Division Administrator
Realty & Environmental Services Division

N

Nettles, Brian

From: Bill_Carson@blm.gov
Sent: Tuesday, July 29, 2003 11:46 AM
To: bnettles@freebornpeters.com
Subject: BNSF Abandonment from Superior, NE to Reynolds, NE

We have evaluated the proposed Burlington Northern and Santa Fe Railway Company Abandonment from Superior, Nebraska to Reynolds, Nebraska. We found that the proposed abandonment will not affect any public lands (Federal lands) administered by the Bureau of Land Management.

Bill Carson
Realty Specialist
Bureau of Land Management
Newcastle Field Office
1101 Washington Blvd
Newcastle, WY 82701
307-746-6607

O



IN REPLY REFER TO:
2800 (NM0930) P

United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Amarillo Field Office - Helium Operations

801 South Fillmore, Suite 500

Amarillo, Texas 79101-3545

www.nm.blm.gov

August 12, 2003

Mr. Brian Nettles
Freeborn and Peters
311 South Wacker Drive
Chicago, IL 60606-6677

Dear Mr. Nettles:

With regards to the BNSF's plans to file an exemption to abandon its line of railroad between Milepost 167.78 in Superior, Nebraska and Milepost 127.83 in Reynolds, Nebraska the Bureau of Land Management has no public lands or minerals that would be impacted on the portion located in Republic County, Kansas. However, the state of Nebraska is not within this office's jurisdictional boundaries, and you should contact BLM, Wyoming State Office, PO Box 1828, Cheyenne, Wyoming, for information on that portion of the subject line in Nebraska.

Sincerely,

Timothy R. Spisak
Amarillo Field Office Manager

P

Freeborn & Peters

July 24, 2003

Jim Yeggy
NPDES Permits Unit
Water Quality Division
Nebraska Department of Environmental
Quality
1200 "N" Street
P.O. Box 98922
Lincoln, NE 68509-8822

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Superior, Nebraska to Reynolds, Nebraska***

Dear Mr. Yeggy:

BNSF plans on filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon 39.95 miles of railroad line between Milepost 167.78 in Superior, Nebraska and Milepost 127.83 in Reynolds, Nebraska.

As part of the environmental report BNSF needs to know whether or not this action will be consistent, with Federal, State or local water quality standards. Also, please state whether or not Section 402 and/or NPDES are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

/bn

Chicago

Springfield

Q

Freeborn & Peters LLP

August 6, 2003

Karl Mueldener, Director
Kansas Department of Health and
Environment
Division of Environment
Bureau of Water
1000 SW Jackson St., Suite 420
Topeka, KS 66612-1367

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Superior, Nebraska to Reynolds, Nebraska***

Dear Mr. Mueldener:

BNSF plans on filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon 39.95 miles of railroad line between Milepost 167.78 in Superior, Nebraska and Milepost 127.83 in Reynolds, Nebraska. Part of the line is located in Republic County, Kansas.

As part of the environmental report BNSF needs to know whether or not this action will be consistent, with Federal, State or local water quality standards. Also, please state whether or not Section 402 and/or NPDES permits are required as a result of the proposed abandonment.

The proposed abandonment may require the removal of the track materials such as the rails and ties but the roadbed will be left intact. No placement of dredge or fill material in any inland waterways is anticipated to result from abandonment and/or salvage.

For your reference I have enclosed a map of the above referenced railroad line. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Thank you in advance for your cooperation.

Sincerely,



Brian Nettles

Chicago

Springfield

R



REPLY TO
ATTENTION OF:

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
NEBRASKA REGULATORY OFFICE - KEARNEY
1430 CENTRAL AVENUE SUITE 4
KEARNEY, NE 68847-6856

August 18, 2003

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

This letter pertains to the proposal of the Burlington Northern and Santa Fe Railway Company to abandon 39.95 miles of track between Milepost 167.78 in Superior, Nebraska and Milepost 127.83 in Reynolds, Nebraska.

After reviewing the materials you provided, the project will not require a Department of the Army permit.

If, in the future, you plan to place fill material in any waters of the United States please provide this office with an application for review for possible permit requirements.

Although a Department of the Army permit pursuant to Section 404 of the Clean Water Act and/or Section 10 of the River and Harbor Act is not required for this project, this does not eliminate the requirement that you obtain other applicable Federal, State, Tribal and/or Local permits as required.

If you have any questions regarding this matter, please feel free to contact me at the above address or call (308) 234-1403 and refer to file number NE 03-11023.

Sincerely,

A handwritten signature in cursive script, reading "Keith Tillotson".

Keith Tillotson
Senior Project Manager

Copy Furnished (with enclosures):

CENWK-CO-R

S



DEPARTMENT OF THE ARMY
KANSAS CITY DISTRICT, CORPS OF ENGINEERS
STATE REGULATORY PROGRAM OFFICE - KANSAS
2710 N.E. SHADY CREEK ACCESS ROAD
EL DORADO, KANSAS 67042

REPLY TO
ATTENTION OF:

August 29, 2003

Kansas State Regulatory Office
(200302121)
(Republic, KS, NPR)

Mr. Brian Nettles
Freeborn & Peters
311 South Wacker Drive, Suite 3000
Chicago, Illinois 60606-6677

Dear Mr. Nettles:

This is in response to your letter dated August 6, 2003, requesting a Department of the Army (DA) permit determination concerning the plans of Burlington Northern and Santa Fe Railway Company to abandon 39.95 miles of railroad line. A portion of the railroad line is located within Republic County, Kansas.

The Corps of Engineers has jurisdiction over all waters of the United States. Discharges of dredged or fill material in waters of the United States, including wetlands, require prior authorization from the Corps under Section 404 of the Clean Water Act (33 USC 1344). The implementing regulation for this Act is found at 33 CFR 320-330.

We have reviewed the information furnished and based upon your description of the project have determined that the proposed activity will not involve the discharge of dredged or fill material in waters of the United States. Therefore, Department of the Army permit authorization is not required. Other Federal, state and/or local permits may be required, however, and you should verify this yourself.

Mr. Thomas A. McCabe, Regulatory Specialist, reviewed the information furnished and made this determination. If you have any questions concerning this matter, please feel free to contact Mr. McCabe at 316-322-8247 (FAX 316-322-8259).

~~Enclosures~~

Copies Furnished:

Environmental Protection Agency, Water Resources Protection Branch wo/enclosure
Kansas Department of Wildlife and Parks wo/enclosure
Kansas Department of Agriculture wo/enclosure

T

Thayer County Zoning Administrator



P. O. Box 27 ♦ Hebron , Nebraska 68370
August 22, 2003

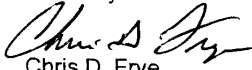
Freeborn & Peters
311 South Wacker Dr.
Suite 3000
Chicago, Illinois 60606

Mr. Brian Nettles

I am responding to the letter that you addressed to the Thayer County Clerk, Marilyn Free. As the Zoning Administrator I also serve as the Flood Plain Manager for Thayer County. As you can see from the enclosure I asked for assistance from the Dept. of Natural Resources in answering your letter.

Our response is that we do not feel that the proposed abandonment will have any effect on a 100-year floodplain.

Sincerely



Chris D. Fry
Administrator
Thayer County Zoning

STATE OF NEBRASKA



DEPARTMENT OF NATURAL RESOURCES
Roger K. Patterson
Director

Mike Johanns
Governor

August 6, 2003

IN REPLY REFER TO:

Chris Frye
Zoning Administrator
P.O. Box 27
Hebron, NE 68370

RE: Burlington Northern Railroad Abandonment in Thayer County

Dear Mr. Frye:

The Nebraska Department of Natural Resources does not feel that the abandonment of a railroad line is an actionable impact for floodplain management. We are assuming that the bridges or other river/stream crossings are not going to be affected. If this is not the case, we will need to review this action again.

If you have any questions about this letter, please call me at (402) 471-3957.

Sincerely,

A handwritten signature in cursive script that reads "Steve McMaster".

Steve McMaster
Water Resources Planner

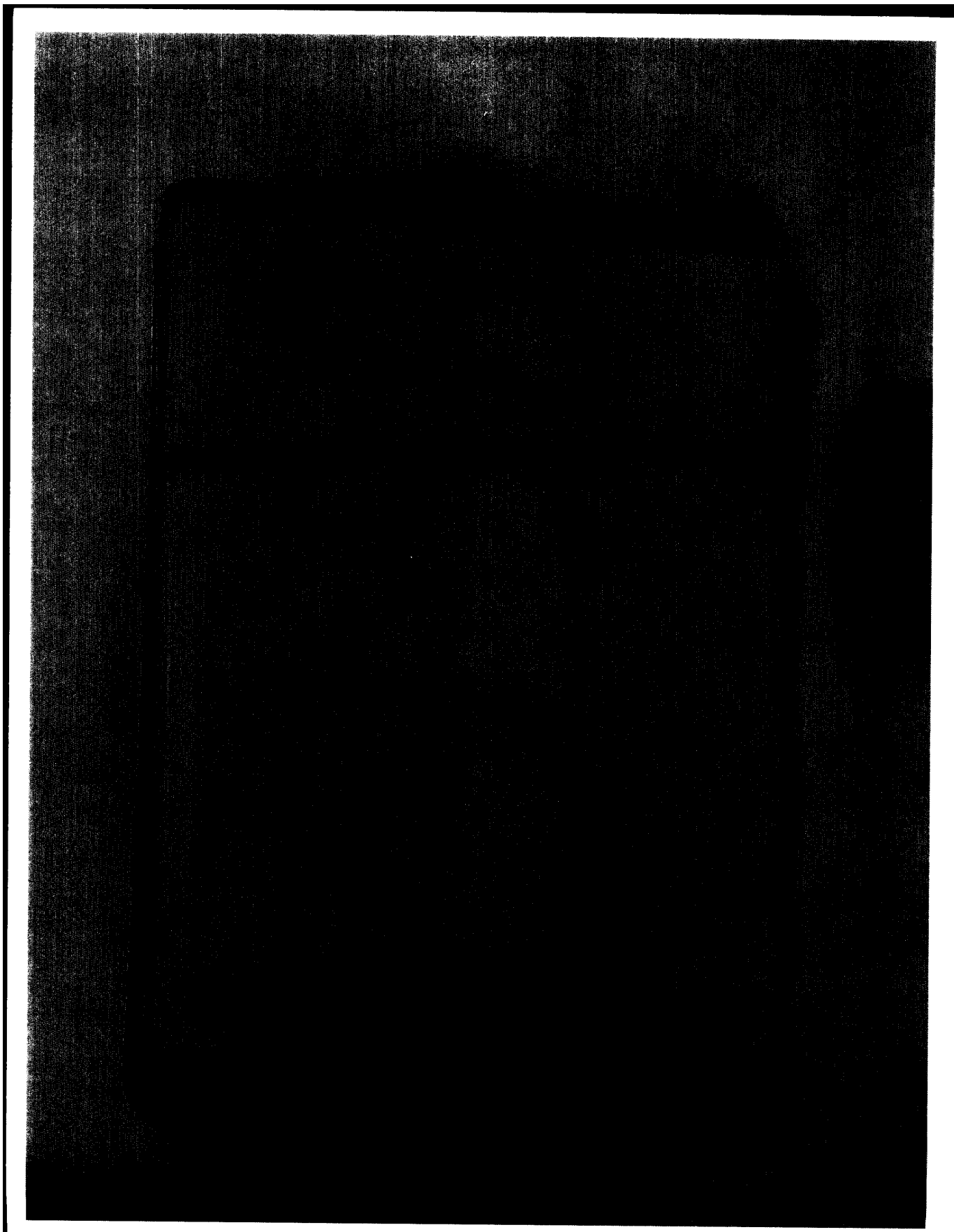
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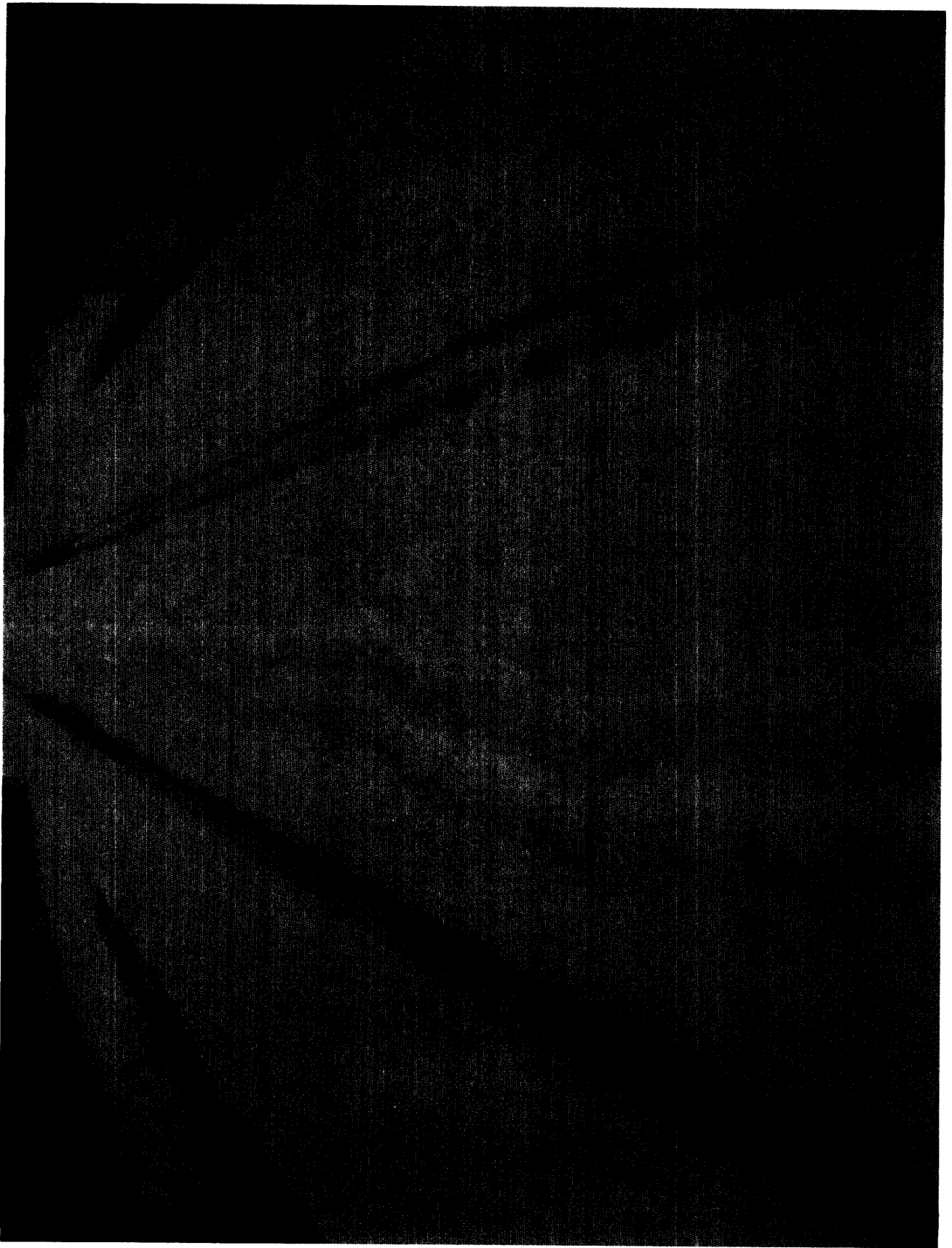
Abandonment Documentation (M.P. 127.83 to M.P. 167.78)

List of Bridges

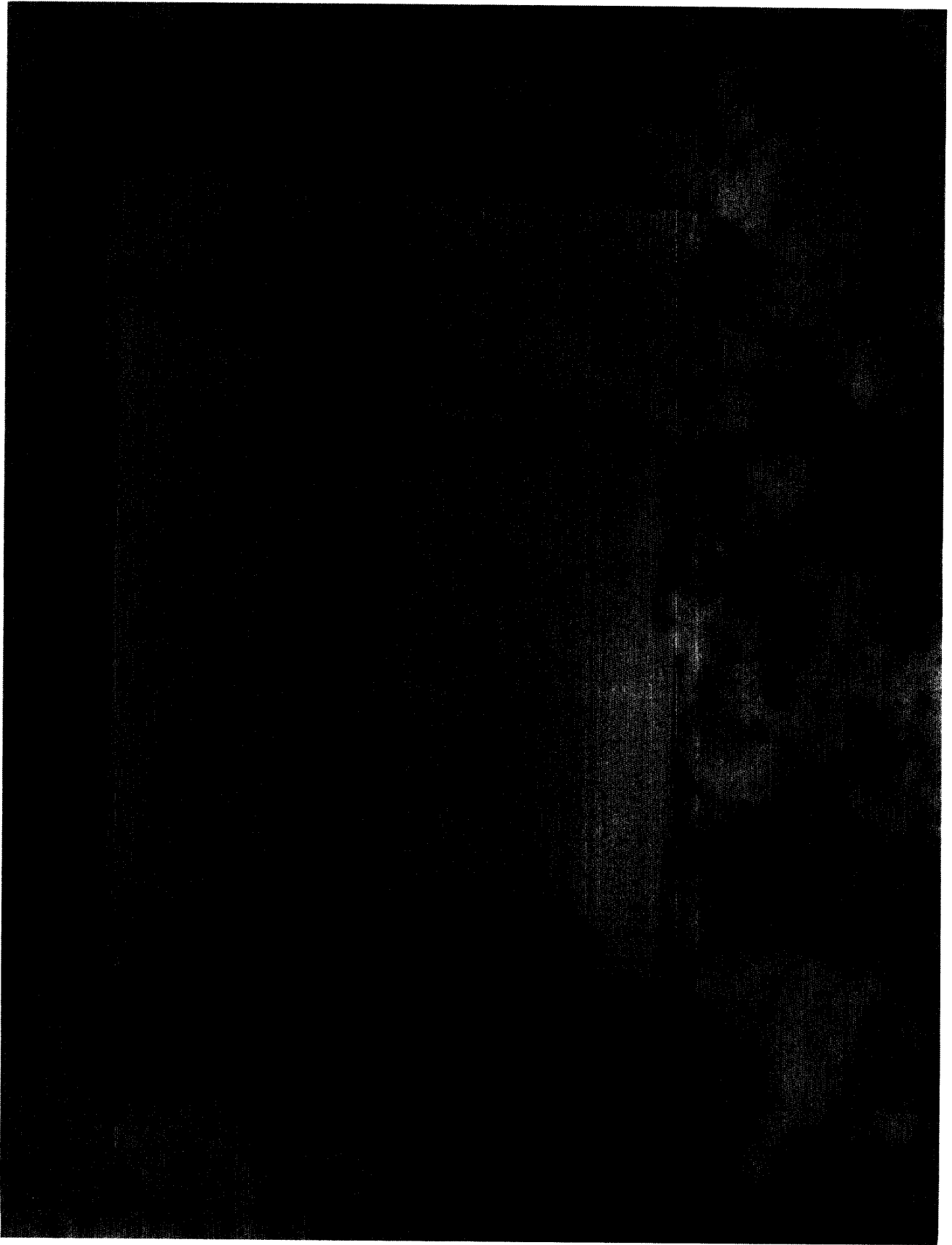
Bridge: 130.75	Built: 1905	Length:	40.0'	Height:	14.0'	Description: 2-20 Beam	Obstacle: Drainage
Bridge: 131.58	Built: 1924	Length:	44.0'	Height:	17.0'	Description: 1-16, 2-14 Slab	Obstacle: Stock Pass
Bridge: 133.98	Built: 1913	Length:	133.0'	Height:	28.0'	Description: 1-60 DPG, 2-20, 2-16 Slab	Obstacle: Rose Creek
Bridge: 135.20	Built: 1915	Length:	80.0'	Height:	19.0'	Description: 5-16 Slab	Obstacle: Drainage
Bridge: 137.90	Built: 1916	Length:	116.0'	Height:	24.0'	Description: 2-14, 2-20, 3-16 Slab	Obstacle: Drainage
Bridge: 138.72	Built: 1893	Length:	100.0'	Height:	30.0'	Description: 2-25, 1-50 DPG	Obstacle: Rose Creek
Bridge: 139.37	Built: 1905	Length:	100.0'	Height:	26.0'	Description: 2-25, 1-50 DPG	Obstacle: Rose Creek
Bridge: 142.02	Built: 1930	Length:	106.0'	Height:	35.0'	Description: Public OH	Obstacle: Bridge
Bridge: 161.12	Built: 1907	Length:	80.0'	Height:	19.0'	Description: 4-20 Slab	Obstacle: Drainage
Bridge: 162.04	Built: 1916	Length:	118.0'	Height:	24.0'	Description: 3-20, 4-16, 1-14 Slab	Obstacle: Forsha Creek
Bridge: 164.02	Built: 1913	Length:	64.0'	Height:	9.0'	Description: 4-16 Slab	Obstacle: Spring Creek
Bridge: 165.76	Built: 1919	Length:	116.0'	Height:	19.0'	Description: 1-20, 6-16 Slab	Obstacle: Crosby Creek





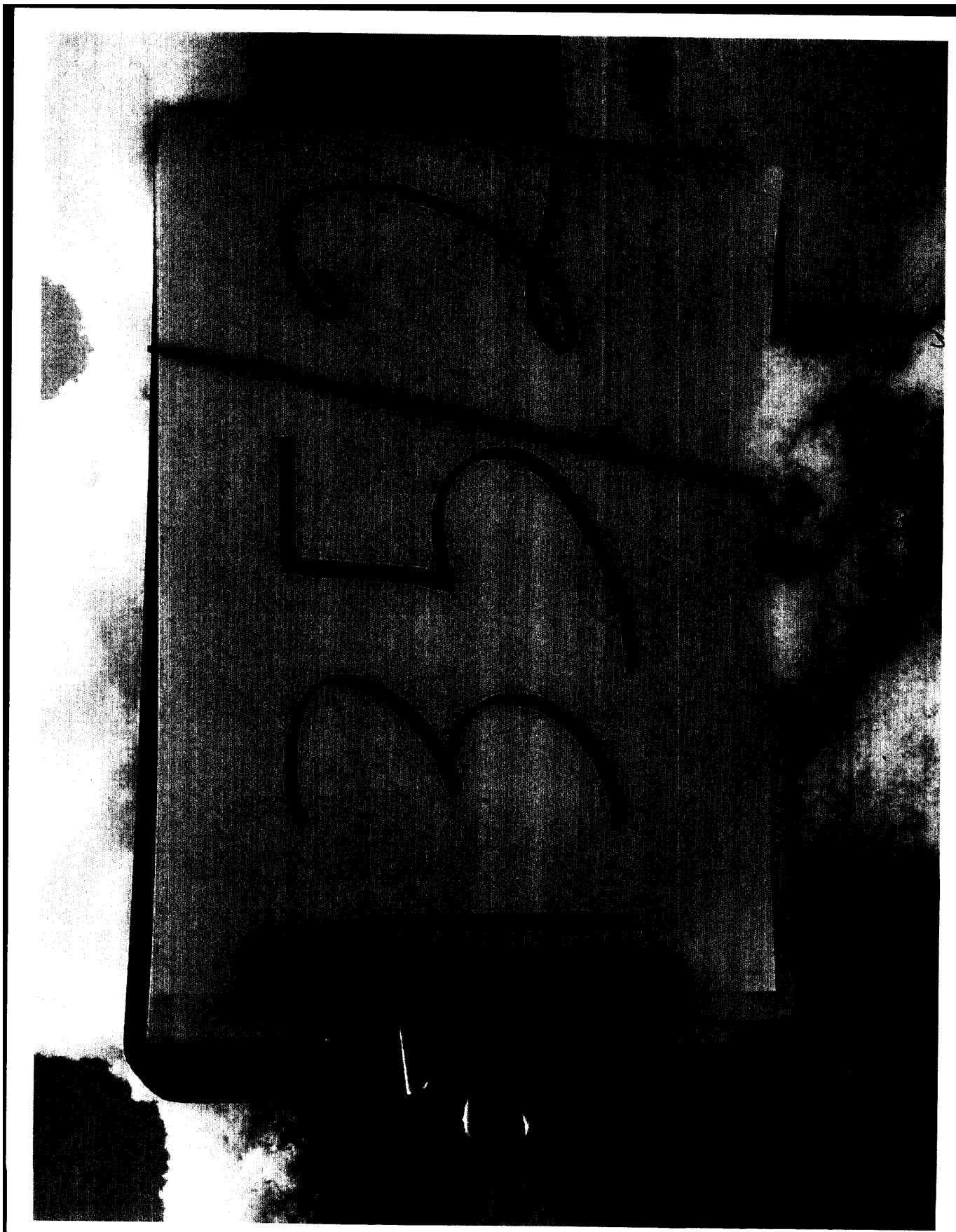


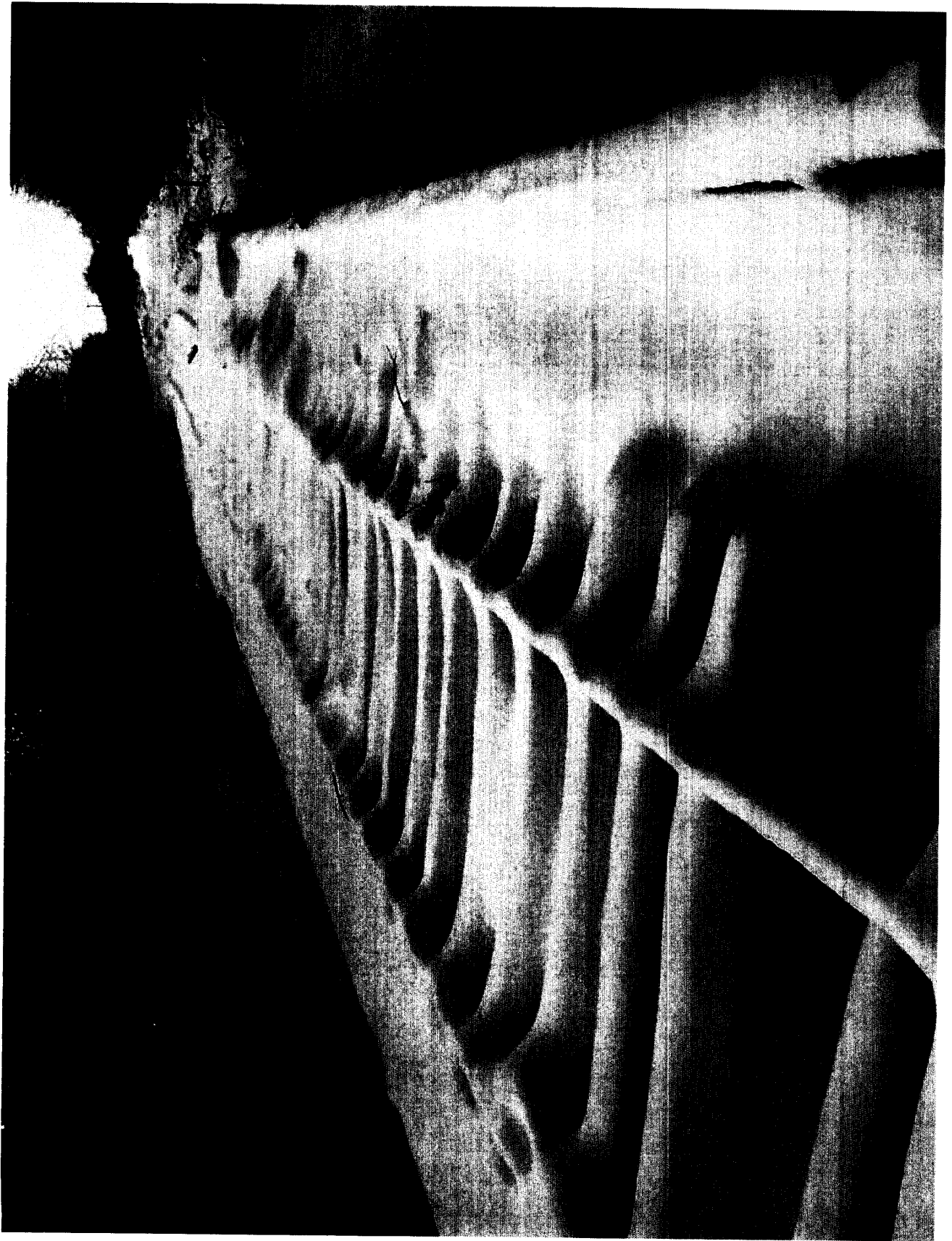




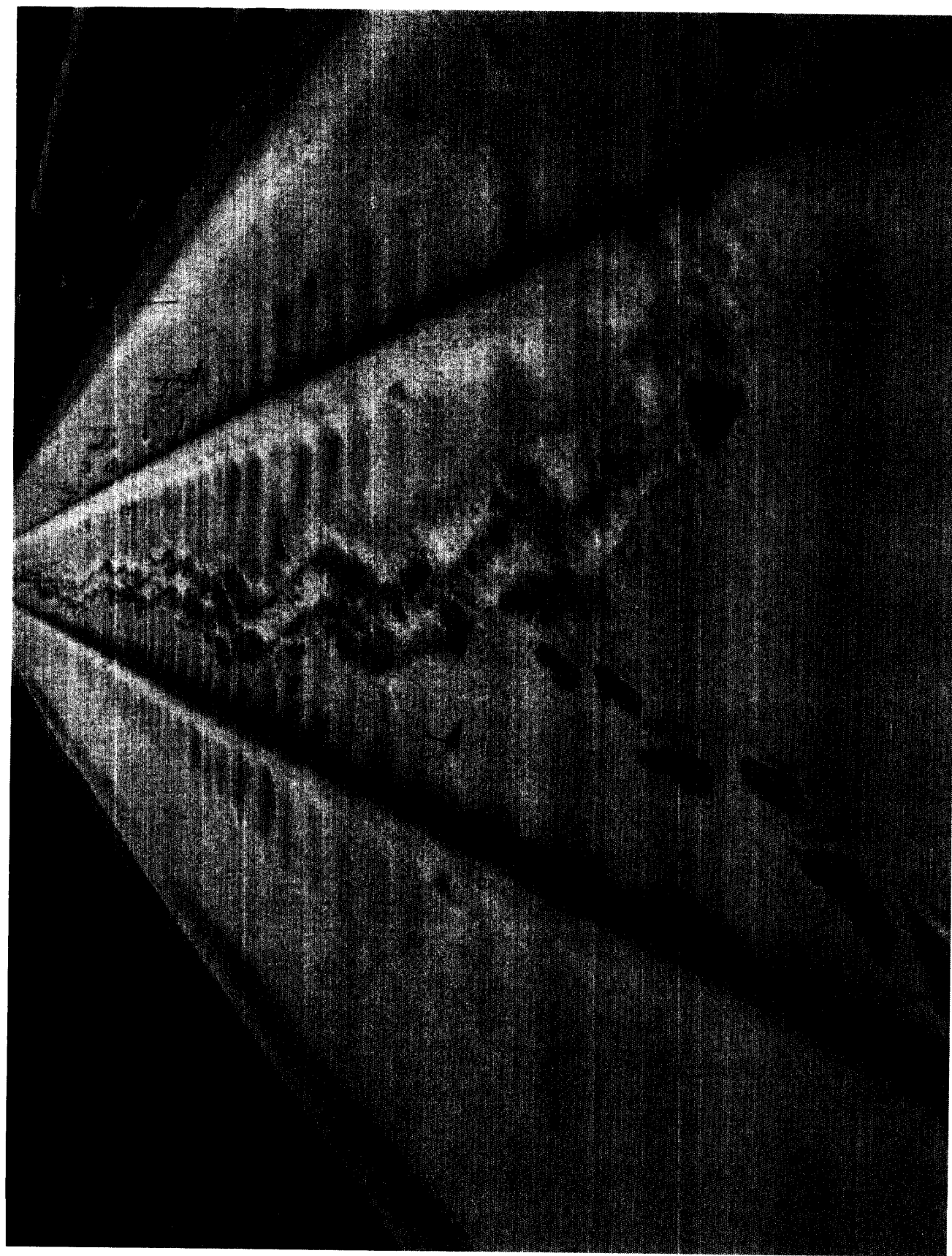






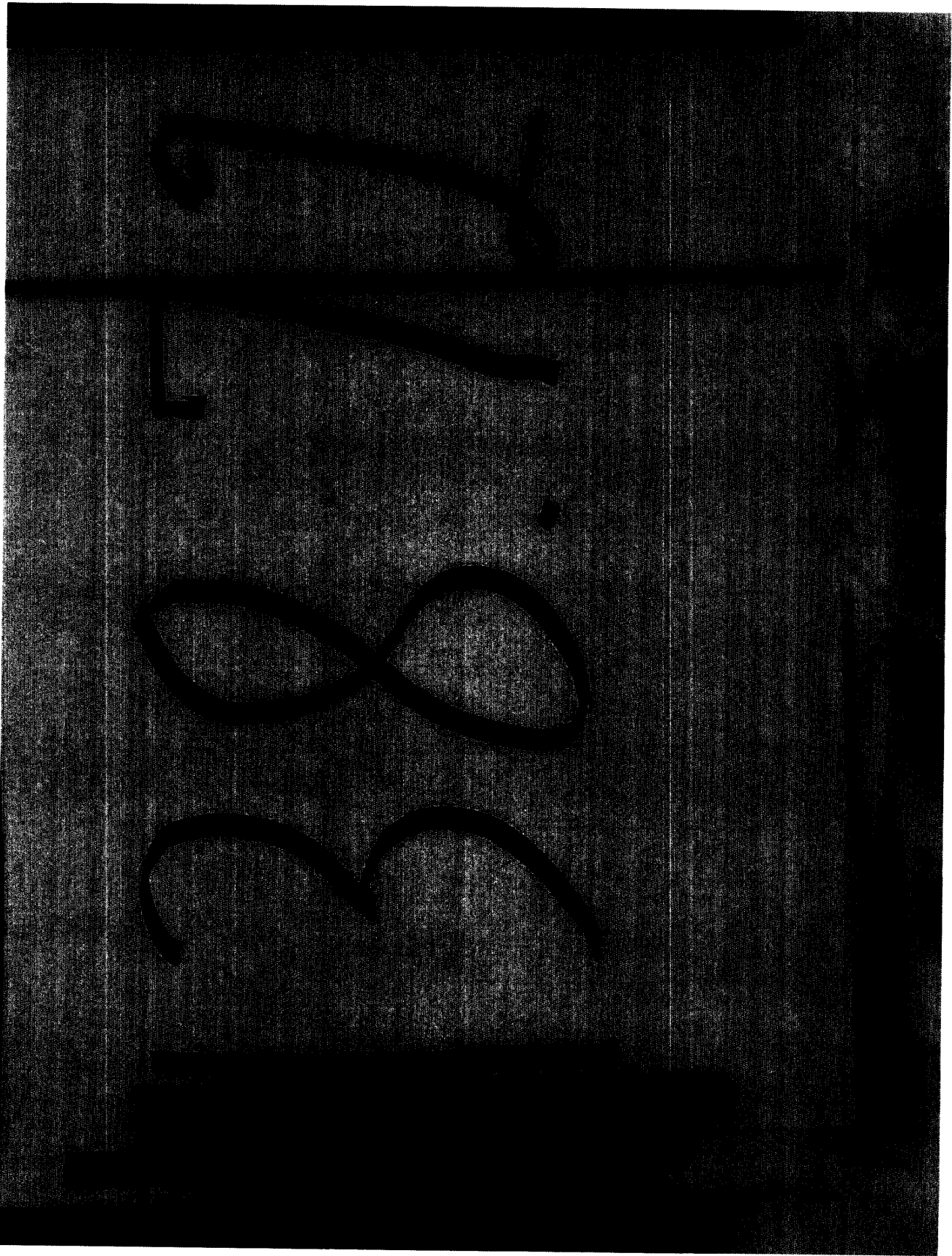




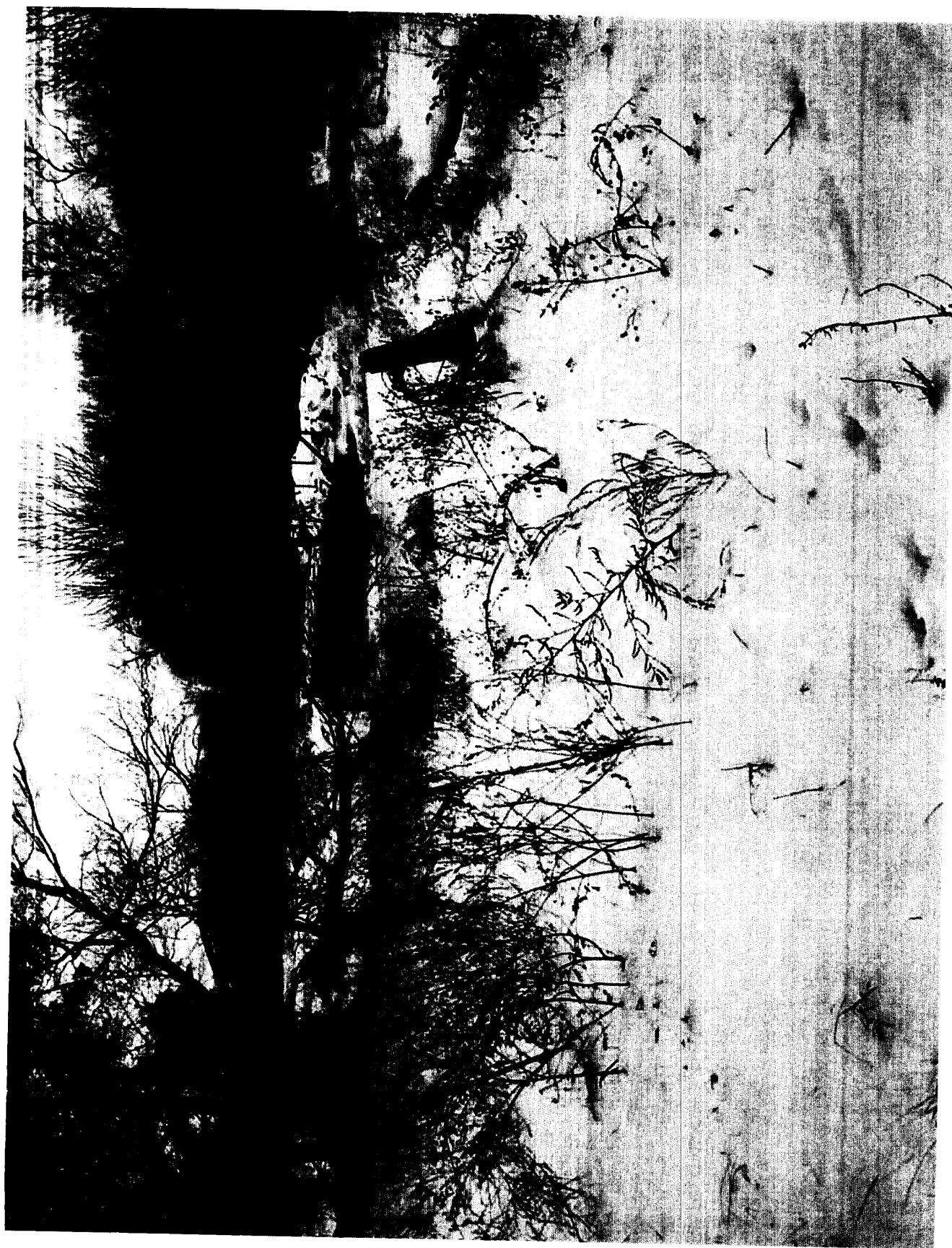








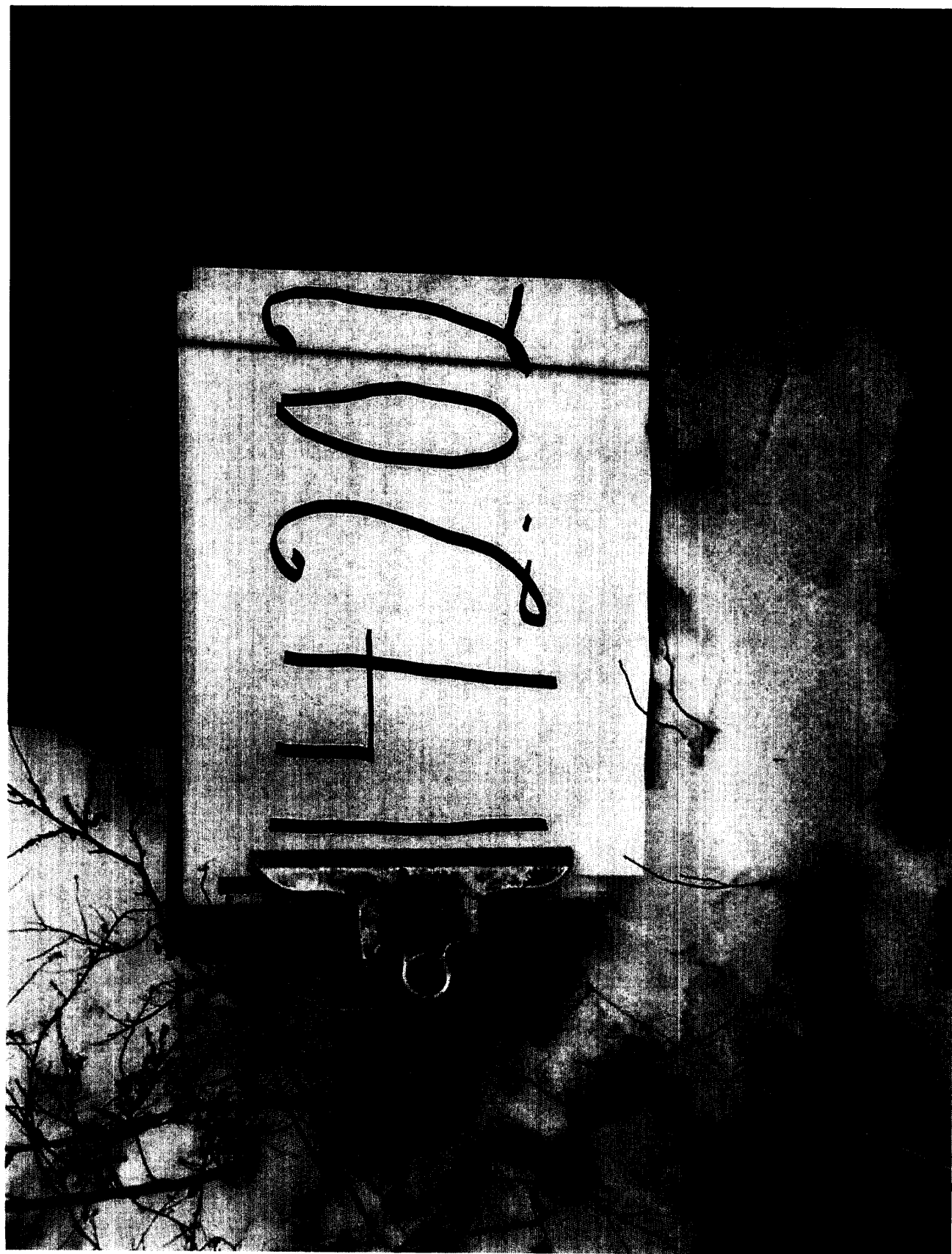




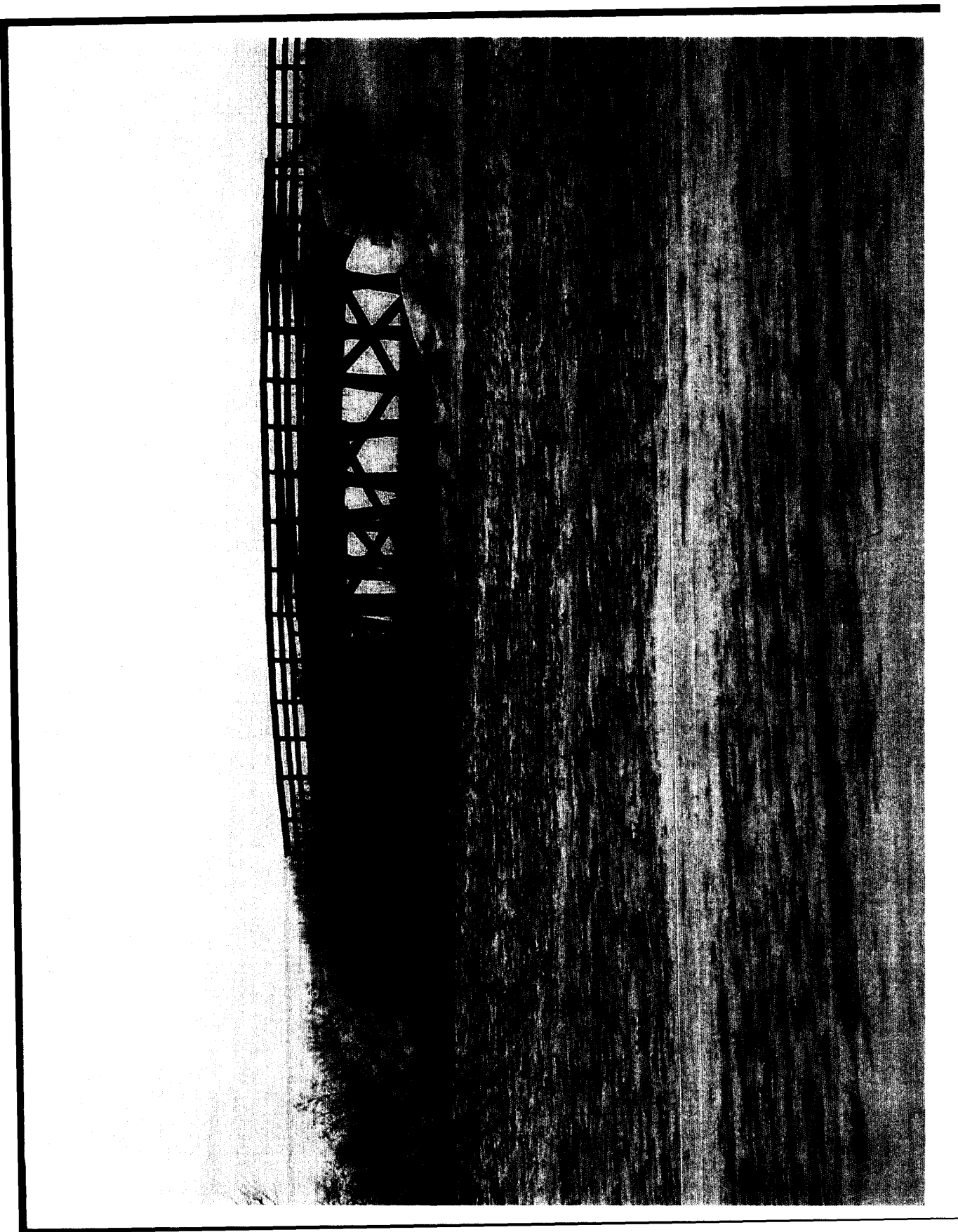










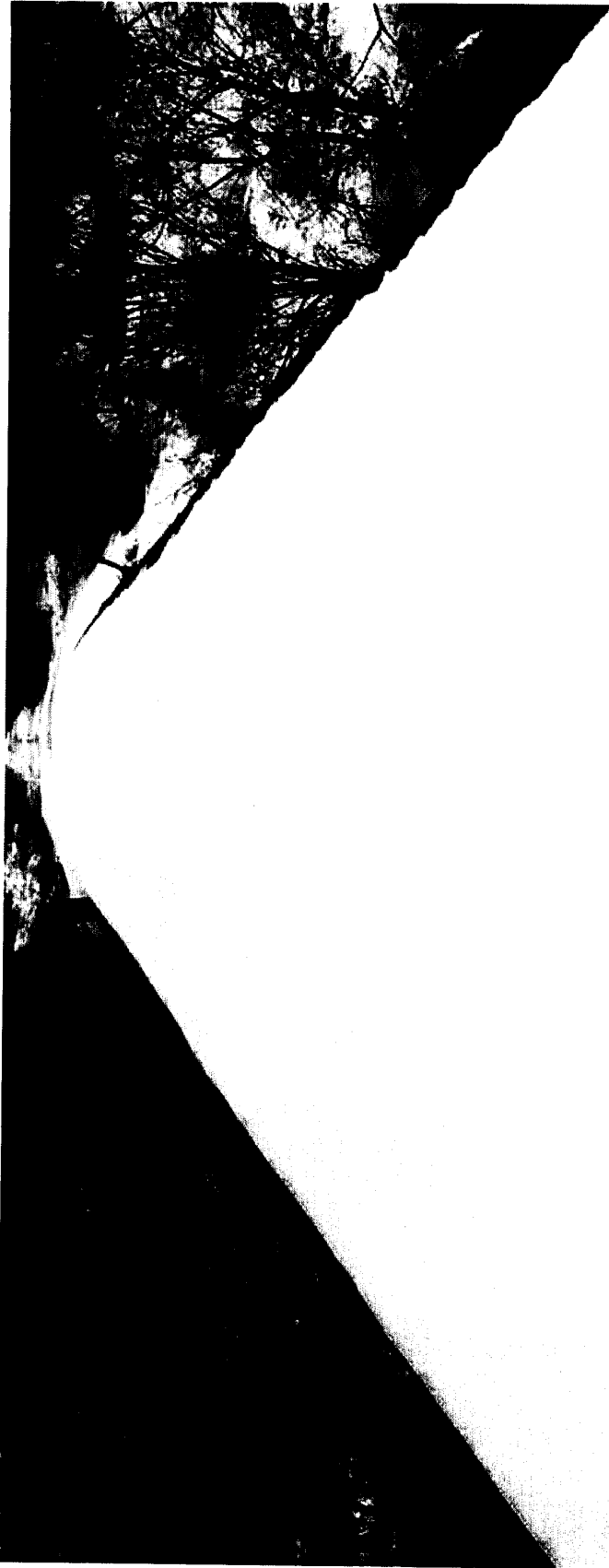








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V

KANSAS

KSR&C No. 04-03-019

Kansas State Historical Society
Dick Pankratz, *Director, Cultural Resources Division*

KATHLEEN SEBELIUS, GOVERNOR

March 5, 2004

Brian Nettles
Freeborn & Peters LLP
311 S Wacker Dr Suite 3000
Chicago IL 60606-6677

Re: Abandon BNSF Line From Superior, Nebraska to Reynolds, Nebraska Which
Enters Republic County
Republic County

Dear Mr. Nettles:

We have reviewed the project identified above and have determined that it should not affect any property listed on the National Register of Historic Places or otherwise identified in our files as having historical significance. This office has no objection to implementation of the project.

Sincerely yours,

Terry Marmet
Acting State Historic Preservation Officer



Richard Pankratz, Director
Cultural Resources Division

clg

W

Freeborn & Peters LLP

February 27, 2004

L. Robert Puschendorf
Deputy State Historic Preservation Officer
State Historic Preservation Office
Nebraska State Historical Society
P.O. Box 82554
Lincoln, NE 68501-2554

Attorneys at Law

311 South Wacker Drive
Suite 3000
Chicago, Illinois
60606-6677
Tel 312.360.6000

Brian Nettles
Paralegal
Direct 312.360.6336
Fax 312.360.6596
bnettl@
freebornpeters.com

**Re: *The Burlington Northern and Santa Fe Railway Company Abandonment
of Superior, Nebraska to Reynolds, Nebraska***

Dear Mr. Puschendorf:

BNSF plans on filing with the Surface Transportation Board ("STB") a Petition for Exemption seeking authority to abandon 39.95 miles of railroad line between Milepost 167.78 in Superior, Nebraska and Milepost 127.83 in Reynolds, Nebraska.

As part of the historic report required by the Surface Transportation Board, BNSF needs to know if there are any structures eligible for listing on the National Register of Historic Places and also if there are archaeological resources in the project area.

Enclosed are photographs of twelve bridges that are fifty years or older that are located along the proposed abandonment, and a map of the area. There are no other buildings or structures that are 50 years old or older along the proposed abandonment. If you have any questions, or if you would like to discuss this matter further, please do not hesitate to contact me at (312) 360-6336.

Your early response will be greatly appreciated.

Sincerely,



Brian Nettles

/bn
Enclosures

Chicago

Springfield